

ARTICLE XIV

“NR” NATURAL RIVER AND SHORELANDS OVERLAY ZONING DISTRICT

Section 14.1 Description and Purpose

This Overlay Zoning District is located along the Thornapple River, Bassett Creek, Duncan Creek, Duncan Lake, Harwood Lake and Leeks Lake. This District includes all lands within 100 feet of the ordinary high water mark of these surface waters, except as otherwise stated herein.

The purpose of this District is to assure preservation of the natural shoreland areas. Future man-made changes, uses and buildings are controlled to maintain or improve the surface water quality and shoreline environment. Enhancing scenic and recreational values is an important objective of this Overlay Zoning District.

Section 14.2 Permitted Land Uses

Land and buildings in the “NR” Natural River and Shorelands Overlay Zoning District may be used by right for the following purposes only:

- (a) Damming, dredging, filling or channelization, but only if approved by the Department of Natural Resources and Environment in accordance with applicable statutory requirements.
- (b) Withdrawal of water from a river or stream for irrigation purposes only, but only to such extent as will not unreasonably interfere with the riparian rights of other land owners in the watershed.
- (c) Stream improvements for fish habitat, river bank stabilization and other natural resource management practices, but only if approved by the Michigan Department of Natural Resources and Environment under applicable statutory requirements.
- (d) Gas or oil pipeline, electric transmission or distribution lines, subject to requirements of law.
- (e) Signs, but only if necessary for identification, direction, resource information or regulation of use, and pursuant to Article XXIV of this Ordinance.
- (f) A natural vegetation strip 35 feet in depth bordering the water body. Such vegetation strip to be planted with trees, shrubs and other vegetation native to the area, subject however to the following provisions:
 - (1) Dead, diseased, unsafe or fallen trees, noxious weeds and shrubs may be removed.
 - (2) Lawns may be maintained to within ten feet of the waters edge.
 - (3) Trees and shrubs may be pruned to afford a view of the surface water.

- (4) Selective removal of trees for commercial harvest or landscaping may occur upon written approval of a registered forester and the Zoning Administrator.
- (g) Grazing of livestock, if the keeping of livestock is otherwise permitted by the underlying zoning district. If permitted, the grazing activity shall be conducted in a manner to prevent soil erosion and so as not to cause sediment and animal wastes to enter the surface water.
- (h) Municipal groundwater well.
- (i) Boating and canoeing launch facilities.
- (j) Publicly owned and operated boardwalks, pathways or trails.
- (k) Hunting and fishing, unless prohibited by another ordinance.
- (l) Private dock and/or bulkheads, provided that only natural materials such as rocks, logs and lumber shall be used in the construction of bulkheads, and provided further that such facilities shall be constructed only in accordance with the Department of Natural Resources rules and regulations. All other materials proposed for bulkheads shall be allowed only by a special land use permit approved by the Planning Commission consistent with requirements of Article XIX.

Section 14.3 Special Land Uses

The following uses of land and buildings may be permitted when authorized as a special land use by the Planning Commission, subject to regulations contained in Article XIX.

- (a) Any addition to a building located within this Overlay District.
- (b) Any proposed building located within this Overlay District.

Section 14.4 Prohibited Uses

Lands within the “NR” Overlay District may not be covered with concrete or bituminous pavement, unless part of an approved storm drainage system, emergency fire access driveway to obtain water, boat launch, canoe livery, public walkway or trail facility, or building footing or foundation.

Section 14.5 “NR” Overlay District Regulations

Area regulations in the “NR” Natural River Overlay District shall be the same as required in the underlying zoning district, except for the following: Building Setback – No building or structure shall be located closer than 100 feet from the edge of the Thornapple River nor closer than 50 feet to any other water body and subject to this provision shall not preclude the placement or construction of docks, boat landings, pump houses or similar structures in their usual and customary location. An existing building within the “NR” Overlay Zoning District may not be enlarged within the “NR” but may otherwise continue as a lawful building.

Section 14.6 Site Plan Review

Any land use, building or structure to be located within the “NR” Overlay Zoning District shall be subject to site plan review as required in Article XX of this Ordinance.

Section 14.7 Flood-Resistant Construction

Pursuant to the provisions of the state construction code, in accordance with Section 8b(6) of Act 230 of the Public Acts of 1972, as amended, Professional Code Inspections of Michigan [PCI or building code official of record] and the Township Zoning Administrator are hereby designated to discharge the responsibility of Thornapple Township under said act, State of Michigan. Thornapple Township assumes responsibility for the administration and enforcement of said Act with the boundaries of the Township.

- (a) Pursuant to the provisions of the Michigan Construction code, **Appendix G** shall be enforced by PCI and the Zoning Administrator within Thornapple Township.
- (b) The Federal Emergency Management Agency [FEMA] Flood Insurance Study [FIS] entitled Barry County, Michigan Flood Insurance Study and dated May 4, 2009 and the Flood Insurance Rate Maps [FIRMS] panel numbers 26015C0025C, 0050C, 0150C and 0175C for community # 260630 and dated May 4, 2009, are adopted by reference for the purpose of administration of the Michigan Construction Code, and declared to be a part of Section 1612.3 of the Michigan Building Code, and to provide the content of the “Flood Hazards” section of Table R301.2(1) of the Michigan Residential Code.

Section 14.8 Flood Plain Management

The Zoning Administrator is hereby designated as the flood plain manager. The administration shall prevent placement of new buildings or structures within any floodplain or land area susceptible to being inundated by water from any source and areas within the Zone A as shown on the Flood Hazard Boundary Map [FHBM] issued by FEMA, unless otherwise allowed by law.

The administrator shall review all zoning permits, plats, site condominiums, site plans, planned developments, land divisions and zoning variances to minimize flood hazard, property damage, injury to persons and to assure the availability of flood insurance under the National Flood Insurance Program [NFIP].

Sections 14.9 – 14.99 [Reserved]